

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

ARCHY P. LONDON

V.

UNITED STATES POSTAL SERVICE

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CASE NO. 6:05-CV-161

**ORDER ADOPTING REPORT AND
RECOMMENDATIONS OF MAGISTRATE JUDGE**

The above entitled and numbered civil action was referred to United States Magistrate Judge John D. Love pursuant to 28 U.S.C. § 636. The Report of the Magistrate Judge, which contains his proposed findings of fact and recommendations for the disposition of such action, has been presented for consideration (Doc. No. 25). Plaintiff has filed a one sentence, blanket objection (Doc. No. 28) to the Report and Recommendation. The propriety of such a blanket objection is doubtful as objections to a Magistrate Judge's Report and Recommendation must be (1) specific, (2) in writing, and (3) served and filed within ten days. 28 U.S.C. § 636; Fed. R. Civ. P. 72(b). A blanket objections fails the specificity requirement. *DFW Vending, Inc. v. Jefferson Co., Tex.*, 991 F. Supp. 578, 582 & n.3 (E.D. Tex. 1998). The Court is of the opinion that the findings and conclusions of the Magistrate Judge are correct. Therefore, the Court hereby adopts the Report of the United States Magistrate Judge as the findings of this Court.

Accordingly, it is ORDERED that Defendant's Motion to Consolidate be GRANTED. The Court orders that the lawsuits styled *London v. U.S. Postal Service*, Civil Action No. 6:05-cv-161, and *London v. U.S. Postal Service c/o Jack Potter, Postmaster General*, Civil Action No. 6:06-cv-170, which present common issues of fact and law and involve the same parties, be consolidated for all purposes into one lawsuit, styled *London v. U.S. Postal Service*, Civil Action No. 6:05-cv-161 and that all further pleadings in this case be filed in 6:05-cv-161.

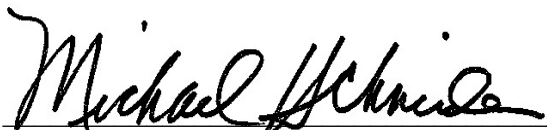
Further, it is ORDERED that Defendant's Motions to Dismiss (Doc. Nos. 11 and 21) be GRANTED in part and DENIED in part. The Court GRANTS Defendant's motions to dismiss to the extent that Plaintiff is ORDERED to amend his complaint in the consolidated case, Civil Action No. 6:05-cv-161, to name John Potter, Postmaster General, as sole defendant and to effect service on the properly named defendant. The Court notes that Plaintiff amended his complaint as such on October 30, 2006.

Further, it is ORDERED that Plaintiff effect service on the properly named Defendant by December 15, 2006.

Further, it is ORDERED that the remainder of Defendants' motions to dismiss is DENIED.

Finally, the Court notes that Plaintiff failed to respond to either of Defendant's motions to dismiss. Though proceeding *pro se*, Plaintiff must still observe court orders and local rules. Plaintiff should not confuse the Court's leniency in allowing him as a *pro se* litigant to cure defects in pleading and service with a tolerance for failure to prosecute his case. The exercise of power to dismiss for failure to prosecute is committed to the sound discretion of the Court and appellate review is confined solely to whether the Court's discretion was abused. *See Green v. Forney Eng'g Co.*, 589 F.2d 243 (5th Cir. 1979). Accordingly, it is ORDERED that Plaintiff comply with the directives as ordered by this Court or face dismissal for failure to prosecute.

SIGNED this 1st day of November, 2006.


MICHAEL H. SCHNEIDER
UNITED STATES DISTRICT JUDGE